

**COURT NO. 3, ARMED FORCES TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**T.A. No. 344 OF 2009**

**W.P.(C) No.4223 of 1997 of Delhi High Court**

**IN THE MATTER OF :**

**Capt. Azad Singh**

**.....Applicant**

**VERSUS**

**Union of India & Ors.**

**.....Respondents**

**Dated: 09-12-2010**

**Present:** None appeared for the Applicant.

Ms Tinu Bajwa proxy for Ms. Jyoti Singh, counsel for  
the respondents alongwith Col Devender Singh.

Heard and perused the record.

None appeared for the applicant despite list revised. Learned officer appearing on behalf of the respondents states that in this case petitioner had not passed complete Part B examination within the stipulated period upto 13 years of his service. He was also not entitled to avail another chance thereafter but erroneously was allowed to appear for the same. This does not accrue him any right to qualify as he appeared in the examination after 13 years service. This examination was subsequently declared null and void and he was intimated accordingly. Learned officer appearing

for the respondents also drew our attention towards Special Army Instructions (SAI) 1/S/85 and stressed that compensatory chance is given only in case where due to exigencies of service, an examination is cancelled. This was not so in this case. A request was made from respondents side that no fruitful purpose would be served in keeping this case pending. We considered the facts without observing anything on its merit as the applicant has not appeared. Case is dismissed for non appearance. No order as to costs.

Case file be consigned to record room.

**Z.U. SHAH**  
**(Administrative Member)**

**Dated: 09-12-2010**

**MANAK MOHTA**  
**(Judicial Member)**